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Administrator
General Services Administration
Washington, DC 20405

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February 17, 1986

MEMORANDUM FOR THE ASSISTANT SECRETARIES FOR MANAGEMENT AND
ADMINISTRATIVE DIRECTORS

FROM: TERENCE C. GOLDEN *TCG*
ADMINISTRATOR

SUBJECT: GSA Regulatory Review -- Progress Report

Your representatives to the Interagency Advisory Committee on Regulatory Review (Attachment 1) and its Management of Buildings and Grounds Subcommittee (Attachment 2) have completed their review of the Federal Property Management Regulations (FPMR) 101-20.

I have accepted their report, approved their recommended revisions, and authorized publication of a 60-day notice of proposed rulemaking in the Federal Register. I have enclosed for your information an advance copy of the proposed revised FPMR 101-20 (Attachment 3) which will be announced in the Federal Register.

GSA's interagency regulatory review project began two years ago with a discussion you had with Ray Kline at one of the meetings of the Assistant Secretaries for Management. The product reflects what can be done through our collective efforts. FPMR 101-20 has been rewritten for improved organization and clarity, and the text has been streamlined.

You will note that this revision includes a change to the temperature guidelines. This has been done to provide greater operational flexibility and improve the work environment. The majority of GSA buildings are over 30 years old and cannot maintain the narrow range of temperature levels currently prescribed. In exercising this added responsibility, we must remain conscious of the need to conserve energy and to limit expenditures.

Please convey to your representatives on the committee and subcommittee my appreciation for their participation in this cooperative endeavor to improve the FPMR. Their active support has contributed not only to regulatory reform but also to better communication between GSA and its customer agencies.

Enclosures

INTERAGENCY ADVISORY COMMITTEE ON REGULATORY REVIEW

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Emily Karam	GSA
Hank Gioia	DOD
Bob Gowin	DOJ
Paul Becker	DOL
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Gene Fleming	DOE
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Bill Dailey	DOE
Tony DiStefano	Commerce

GENERAL SERVICES ADMINISTRATION
Washington, DC 20405

FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT D -

TO: Heads of Federal agencies

SUBJECT: Change to Subchapter D--Public Buildings and Space

1. Purpose. This amendment transmits changed pages to Subchapter D--Public Buildings and Space.

2. Effective date. The regulation transmitted by this amendment is effective upon publication in the Federal Register.

3. Background. The Interagency Advisory Committee on Regulatory Review was established on October 5, 1982, to assist GSA in reviewing and recommending revisions to the Federal Property Management Regulations (FPMR). A subcommittee of the interagency committee was subsequently established and tasked to review and recommend changes to FPMR Part 101-20--Management of Buildings and Grounds. The work of the subcommittee has now been completed and the enclosed revision to Part 101-20 reflects the changes that were recommended.

4. Explanation of changes. The revised Part 101-20 transmitted by this amendment will accomplish the following:

- a. Eliminate unnecessary text;
- b. Rearrange the remaining text to provide better continuity;
- c. Rewrite portions of the text to clarify the content;
- d. Eliminate requirements that are an unnecessary burden on agencies;
- e. Reflect current GSA organization structure, titles, and addresses;
- f. Provide current references; and,
- g. Part 101-20--Management of Buildings and Grounds.
 - (1) Section 101-20.000 is revised to clarify the content.
 - (2) Section 101-20.001 is not changed.
 - (3) Section 101-20.002 is expanded to consolidate policy statements into one section.

(4) Sections 101-20.003 thru 101-20.003-14 are revised, updated, and expanded to consolidate all definitions for the part into one section.

(5) Section 101-20.100 is deleted to eliminate text that is not considered necessary.

(6) Section 101-20.101 is revised to eliminate unnecessary text and redesignated as Section 101-20.102, "Cleaning and maintenance."

(7) Section 101-20.102 is deleted.

(8) Section 101-20.103 is redesignated as Section 101-20.002-2 and revised to clarify the content.

(9) Section 101-20.104 is redesignated as Section 101-20.103 and revised and expanded to improve the organization of the part.

(10) Section 101-20.105 is redesignated as Section 101-20.106 and revised to improve the organization of the part, to eliminate unnecessary text, and to update references to forms. The \$10,000 limitation on agencies to order or contract for reimbursable alterations was revised to \$25,000 by Temp. Reg. D-72.

(11) Sections 101-20.106 thru 101-20.106-5 are deleted.

(12) Section 101-20.107 is recaptioned "Energy conservation" and revised to improve the organization of the part by deleting references to good housekeeping practices, which now appear in Section 101-20.105. Temperature guidelines are rewritten. Exceptions are authorized for specialized requirements or for agencies to accomplish their missions more effectively and efficiently.

(13) Section 101-20.108 is deleted.

(14) Sections 101-20.109 thru 101-20.109-12 are revised to eliminate unnecessary text and redesignated as Sections 101-20.105 thru 101-20.105-3.

(15) Section 101-20.110 is deleted.

(16) Section 101-20.111 is revised to eliminate unnecessary text and is redesignated as Section 101-20.104, "Parking facilities."

(17) Sections 101-20.111-1 thru 101-20.111-3 are revised to eliminate unnecessary text, improve the organization of the part, and redesignated as Sections 101-20.104-1 thru 101-20.104-4.

(18) Sections 101-20.112 thru 101-20.112-8 are revised to eliminate unnecessary text and redesignated as Section 101-20.109.

(19) Section 101-20.113 is revised to eliminate unnecessary text and redesignated as Section 101-20.108, "Staggered hours of duty."

(20) Sections 101-20.114 and 101-20.115 are deleted.

(21) Sections 101-20.116 thru 101-20.116-6 are revised to eliminate unnecessary text and consolidated into new Section 101-20.107, "Energy conservation," to improve the organization of the part.

(22) Sections 101-20.117 thru 101-20.117-4 are revised to eliminate outdated and unnecessary text, to delete definitions that are consolidated into new Section 101-20.103, and redesignated, as Section 101-20.104, "Parking facilities."

(23) Subpart 101-20.2 is retitled "Vending Facility Program for Blind Persons."

(24) Section 101-20.200 is revised to eliminate unnecessary text.

(25) Section 101-20.201 is revised to require that blind vendors are given priority in the location of vending facilities and in the operation of cafeterias on GSA-controlled property.

(26) Section 101-20.202 is revised to require that GSA not acquire a building unless it is determined that such building contains a "satisfactory site" for the location and operation of a blind vending facility and is retitled "Establishing vending facilities."

(27) Section 101-20.203 is deleted.

(28) Section 101-20.204 is revised to eliminate unnecessary text and redesignated as Section 101-20.203.

(29) Section 101-20.205 is rewritten to eliminate unnecessary text and redesignated as Section 101-20.204.

(30) Section 101-20.206 is deleted.

(31) Section 101-20.207 is rewritten to eliminate unnecessary text and redesignated as Section 101-20.205.

(32) Section 101-20.208 is deleted.

(33) Section 101-20.209 is rewritten for clarity and redesignated as Section 101-20.206.

(34) Sections 101-20.300 and 101-20.301 are not changed.

(35) Section 101-20.302 is changed to update the reference to and the definition of the "Designated Official."

(36) Sections 101-20.303 thru 101-20.308 are not changed.

(37) Section 101-20.309 is revised to update references to sections of the part.

(38) Sections 101-20.310 thru 101-20.315 are not changed.

(39) Subpart 101-20.4 is retitled "Occasional Use of Public Buildings."

(40) Subpart 101-20.5 is deleted and its contents are included in Section 101-20.103 to improve the organization of the part.

(41) Subpart 101-20.6 is redesignated as Subpart 101-20.5.

(42) Section 101-20.600 is redesignated as Section 101-20.500.

(43) Section 101-20.601 is redesignated as Section 101-20.501.

(44) Section 101-20.602 is changed to delete the reference to the American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped, Number A117.1-R1971, and is redesignated as Section 101-20.502.

(45) Sections 101-20.603 and 101-20.604 are deleted.

(46) Subpart 101-20.7 is redesignated as Subpart 101-20.4.

(47) Section 101-20.700 is rewritten to eliminate unnecessary text and redesignated as Section 101-20.400.

(48) Section 101-20.701 is deleted and its definitions are consolidated in Section 101-20.003.

(49) Section 101-20.702 is revised to delete text associated with the application for permits contained in new Section 101-20.401, to eliminate unnecessary text, and is redesignated as Section 101-20.402.

(50) Section 101-20.703 is rewritten to eliminate unnecessary text and is redesignated as Section 101-20.403.

(51) Section 101-20.704 is rewritten to eliminate unnecessary text and is redesignated as Section 101-20.404, "Appeals."

(52) Section 101-20.705 is rewritten to achieve better clarity and redesignated as Sections 101-20.405 and 101-20.406.

(53) Section 101-20.706 is rewritten to eliminate unnecessary text and is redesignated as Section 101-20.407.

(54) Section 101-20.707 is rewritten to eliminate unnecessary text and redesignated as Section 101-20.408, "Contracts."

(55) Section 101-20.708 is deleted and its text incorporated in Sections 101-20.308 and 101-20.309.

(56) Section 101-20.709 is redesignated as Section 101-20.409.

GENERAL SERVICES ADMINISTRATION

41 CFR PART 101-20

[FPMR AMENDMENT D -

MANAGEMENT OF BUILDINGS AND GROUNDS

ACTION: Final rule.

AGENCY: General Services Administration.

SUMMARY: This regulation is a revision of the part of FPMR Subchapter D that governs the operation of, and the activities in Federal buildings. This regulation was developed by a subcommittee of the Interagency Advisory Committee on Regulatory Review and is designed to clarify the content, eliminate duplication, and remove obstacles to effective building management.

EFFECTIVE DATE: (Insert date of publication in the Federal Register)

FOR FURTHER INFORMATION CONTACT: Emily Karam (202-566-1177).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

The Table of Contents for Part 101-20 is revised to read as follows:

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PART 101-20--MANAGEMENT OF BUILDINGS AND GROUNDS

§ 101-20.000 Scope of part.

The regulations in this part prescribe policies and procedures for the management, operation, protection, and maintenance of Government-owned and -leased buildings and grounds under the assignment responsibility of GSA.

§ 101-20.001 Authority.

This Part 101-20 implements the Act of July 1, 1898 (40 U.S.C. 285); the Act of April 28, 1902 (40 U.S.C. 19); the Act of March 1, 1919 (40 U.S.C. 1); the Act of June 23, 1923 (40 U.S.C. 281); the Act of May 27, 1924 (D.C. Code, 1961 ed., 4-208); the Act of June 20, 1936 (20 U.S.C. 107 et seq.); the Act of December 10, 1941 (40 U.S.C. 291); the Act of May 14, 1948 (40 U.S.C. 130); the Act of June 1, 1948 (40 U.S.C. 318 et seq.); the Federal Property and Administrative Services Act of 1949 (63 Stat. 377 as amended); the Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 note; 3 CFR); the Public Buildings Act of 1950 (73 Stat. 479) as amended; and the Public Buildings Amendments of 1972 (40 U.S.C. 602a).

§ 101-20.002 Basic policy.

It is the responsibility of GSA to provide or otherwise arrange for all services required to house occupant agencies. GSA shall provide fully serviced space equivalent to that furnished in commercial practice.

§ 101-20.002-1 Government-owned buildings.

(a) GSA will provide space alterations, repairs, and improvements sufficient to meet the mission requirements of occupant agencies, including mechanical and electrical systems which meet nationally recognized standards, within the limitations of available funding. When alterations are required, alterations which are essential for performance of agency missions or which improve the utilization rate shall be given priority over other alterations. Alterations solely for decorative or non-essential purposes shall be avoided.

(b) GSA will ensure that space assigned to agencies is safe and that employees and visitors are not exposed to unnecessary risks.

(c) Buildings will be cleaned and maintained at a service level equivalent to that normally furnished commercially in similar space.

(d) GSA will provide or arrange for protective services sufficient to ensure the physical security of occupants and visitors, to safeguard the Government's property interests, and to maintain order.

(e) GSA shall ensure that physically handicapped persons will have ready access to space assigned to occupant agencies. GSA shall provide building standards and shall prescribe and enforce appropriate guidelines in accordance with applicable statutes, regulations and executive orders.

(f) GSA is responsible for ensuring the availability of parking spaces for official needs. Parking priorities are as established in § 101-20.104.

(g) Services in addition to those normally provided in the commercial sector shall be arranged by GSA on a reimbursable basis, as provided in §101-20.106.

(h) GSA may, by agreement with occupant agencies, delegate authority to perform specified functions with respect to the operation, maintenance or repair of GSA-assigned space.

(i) GSA will maintain a comprehensive energy management program to reduce energy consumption and costs in Federal buildings. GSA will apply energy-efficient and economical operating and maintenance procedures, will make cost-effective repairs and alterations, will incorporate design features which will minimize the life cycle cost of buildings, and will ensure continuity of services through contingency planning.

(j) Occupant agencies shall assist in the management of buildings by exercising economy in the use of utilities, by observing professional standards of neatness and cleanliness, and by taking all reasonable precautions to avoid the risk of accidents and fires. Occupant agencies shall also identify and report to GSA any hazardous or unhealthy conditions in GSA-assigned space.

(k) Consultations with occupant agencies and their safety representatives will be held whenever substantial alterations or repairs are proposed to be undertaken, or when GSA proposes to make significant changes to the standard level of services. GSA will consider the comments of occupant agencies before final decisions are made. GSA will make every reasonable effort to involve representatives of occupant agencies in the planning for such proposed alterations, repairs, and changes in services.

(l) It is the general policy of GSA to provide space and systems which substantially conform to nationally recognized standards, when applicable. GSA may, however, adopt other standards for space and systems in Federally-controlled facilities in order to conform to diverse statutory requirements, to implement cost-reduction efforts, or to better effect overall Government objectives.

§ 101-20.002-2 Leased buildings.

(a) Standards for space and services in leased buildings will be equivalent to standards for Government-owned space. However, the scope of the functions performed by GSA will be modified to reflect the lessor's responsibilities for operations, maintenance and protection under the terms of the lease.

(b) Alterations, improvements and repairs in leased buildings shall be performed by GSA to the extent of the Government's responsibility under the lease. Such alterations shall not, however, exceed the limitations of the Economy Act (40 USC § 278(a)) except as otherwise provided by law.

(c) Occupant agencies are not authorized to negotiate with lessors or to place orders for alterations or building services, except where such authority has been specifically delegated by GSA, and except as provided in § 101-20.106-2 regarding reimbursable services.

§ 101-20.003 Definitions.

§ 101-20.003-1 Alteration.

"Alteration" means remodeling, improving, extending, or making other changes to a facility, exclusive of maintenance repairs which are preventive in nature. The term includes planning, engineering, architectural work, and other similar actions.

§ 101-20.003-2 Blanket work authorization.

"Blanket work authorization" means an open-end agreement with an agency with an agreed upon maximum dollar ceiling where there is an on-going account for processing small requests for reimbursable services. The need for the service is clearly recognized, but exactly when the service must be rendered during the fiscal year is unclear.

§ 101-20.003-3 Carpool.

"Carpool" means a group of two or more people regularly using a motor vehicle for transportation to and from work on a continuing basis, regardless of their relationship to each other. The number of persons in a carpool will normally be the basis for priority of assignments.

§ 101-20.003-4 Commercial activities.

"Commercial activities," within the meaning of Subpart 101-20.4, are activities undertaken for the primary purpose of producing a profit for the benefit of an individual or organization organized for profit. (Activities where commercial aspects are incidental to the primary purpose of expression of ideas or advocacy of causes are not "commercial activities" for purposes of these regulations.)

§ 101-20.003-5 Crime prevention assessments.

"Crime prevention assessments" are formal, on-site reviews which consist of a detailed survey, review, and analysis of an occupant agency's vulnerability to criminal activity. In addition to the normal process of a physical security survey, it involves an intensive review of an occupant's and/or building's operational and administrative procedures. It is designed to identify specific weaknesses and to recommend cost-effective, positive steps to Federal managers in dealing with criminal threats and occurrences.

§ 101-20.003-6 Cultural activities.

"Cultural activities" include, but are not limited to, films, dramatics, dances, and musical presentations, and fine art exhibits, whether or not these activities are intended to make a profit.

§ 101-20.003-7 Designated Official.

The "Designated Official" is the highest ranking official of the primary occupant agency of a Federal facility; or, alternatively, a designee selected by mutual agreement of occupant agency officials.

§ 101-20.003-8 Educational activities.

"Educational activities" mean activities such as (but not limited to) the operation of schools, libraries, day care centers, laboratories, and lecture or demonstration facilities.

§ 101-20.003-9 Emergency.

The term "emergency" includes bombings and bomb threats, civil disturbances, fires, explosions, electrical failures, loss of water pressure, chemical and gas leaks, medical emergencies, hurricanes, tornadoes, floods, and earthquakes. The term does not apply to civil defense matters such as potential or actual enemy attacks. Note: Civil defense emergencies are addressed by the Federal Emergency Management Agency.

§ 101-20.003.10 Executive.

"Executive" means a Government employee with management responsibilities which, in the judgment of the employing agency head or his/her designee, require preferential assignment of parking privileges.

§ 101-20.003-11 Flame-resistant.

"Flame-resistant" means meeting performance standards as described by the National Fire Protection Association (NFPA Standard No. 701). Fabrics labeled with the Underwriters

Laboratories Inc. classification marking for flammability are deemed to be flame-resistant for purposes of this regulation.

§ 101-20.003-12 Foot-candle.

"Foot-candle" is the illumination on a surface one square foot in area on which there is a uniformly distributed flux of one lumen, or the illuminance produced on a surface all points of which are at a distance of one foot from a directionally uniform point source of one candela.

§ 101-20.003-13 GSA Regional Officer.

"GSA Regional Officer," within the meaning of Subpart 101-20.4, means the regional director of the Buildings Management Division of GSA designated to supervise the implementation of the Public Buildings Cooperative Use Act's occasional use provisions.

§ 101-20.003-14 Handicapped employee.

"Handicapped employee" means an employee who has a severe, permanent impairment which for all practical purposes precludes the use of public transportation, or an employee who is unable to operate a car as a result of permanent impairment who is driven to work by another. Priority may require certification by an agency medical unit, including the Veterans Administration or the Public Health Service.

§ 101-20.003-15 Indefinite quantity contract.

"Indefinite quantity contract" (commonly referred to as "term contract") provides for the furnishing of an indefinite quantity, within stated limits, of specific property or services during a specified contract period, with deliveries to be scheduled by the timely placement of orders upon the contractor by activities designated either specifically or by class.

§ 101-20.003-16 Life cycle cost.

"Life cycle cost" is the total cost of owning, operating, and maintaining a building over its useful life, including its fuel and energy costs, determined on the basis of a systematic evaluation and comparison of alternative building systems; except that in the case of leased buildings, the life cycle cost shall be calculated over the effective remaining term of the lease.

§ 101-20.003-17 Limited combustible.

"Limited combustible" means rigid materials or assemblies which have fire hazard ratings not exceeding 25 for flame spread and 150 for smoke development when tested in accordance with the American Society for Testing and Materials, Test E 84, Surface Burning Characteristics of Building Materials.

§ 101-20.003-18 Maintenance.

"Maintenance" means preservation by inspection, adjustment, lubrication, cleaning, and the making of minor repairs. "Ordinary maintenance" means routine recurring work which is incidental to everyday operations; "preventive maintenance" means work programmed at scheduled intervals.

§ 101-20.003-19 Nationally recognized standards.

The term "nationally recognized standards" encompasses any standard or modification thereof which:

(a) Has been adopted and promulgated by a nationally recognized standards-producing organization under procedures whereby those interested and affected by it have reached substantial agreement on its adoption, or

(b) Was formulated through consultation by appropriate Federal agencies in a manner which afforded an opportunity for diverse views to be considered.

§ 101-20.003-20 Normally furnished commercially.

"Normally furnished commercially" means in conformance with the level of services provided by a commercial building operator for space of comparable quality, housing tenants with comparable requirements. Service levels are based on the effort required to service space for a five-day week, one eight-hour shift schedule.

§ 101-20.003-21 Occupant agency.

"Occupant agency" means an organization which is assigned space in a facility under GSA's custody and control through the formal procedures outlined in Part 101-17 of the Federal Property Management Regulations.

§ 101-20.003-22 Occupant Emergency Organization.

"Occupant Emergency Organization" means the emergency response organization comprised of employees of Federal agencies designated to perform the requirements established by the Occupant Emergency Plan.

§ 101-20.003-23 Occupant Emergency Plan.

"Occupant Emergency Plan" means procedures developed to protect life and property in a specific Federally-occupied space under stipulated emergency conditions.

§ 101-20.003-24 Occupant Emergency Program.

"Occupant Emergency Program" means a short-term emergency response program. It establishes procedures for safeguarding lives and property during emergencies in particular facilities.

§ 101-20.003-25 Postal vehicle.

"Postal vehicle" means a Government-owned vehicle used for the transportation of mail, or a privately owned vehicle used under contract for the transportation of mail.

§ 101-20.003-26 Public area.

"Public area" means any area of a building under the control and custody of GSA which is ordinarily open to members of the public, including lobbies, courtyards, auditoriums, meeting rooms, and other such areas not assigned to a lessee or occupant agency.

§ 101-20.003-27 Recognized labor organization.

"Recognized labor organization" means a labor organization recognized under Title VII of the Civil Service Reform Act of 1978 (Public Law 95-454) governing labor-management relations.

§ 101-20.003-28 Recreational activities.

"Recreational activities" include, but are not limited to, the operations of gymnasiums and related facilities.

§ 101-20.003-29 Ridesharing.

"Ridesharing" means the sharing of the commute to and from work by two or more people, on a continuing basis, regardless of their relationship to each other, in any mode of transportation including, but not limited to, carpools, vanpools, buspools and mass transit.

§ 101-20.003-30 Special space alterations.

"Special space alterations" are those alterations required by occupant agencies that are beyond those standard alterations provided by GSA under the SLUC system and are reimbursable from the requesting agency.

§ 101-20.003-31 State.

"State" means the fifty States, political subdivisions thereof, the District of Columbia, the Commonwealths of Puerto Rico and Guam, and the territories and possessions of the United States.

§ 101-20.003-32 Unit price agreement.

"Unit price agreement" provides for the furnishing of an indefinite quantity, within stated limits, of specific property or services at a specified price, during a specified contract period, with deliveries to be scheduled by the timely placement of orders upon the lessor by activities designated either specifically or by class.

§ 101-20.003-33 Unusual hours.

"Unusual hours" means work hours that are frequently required to be varied and do not coincide with any regular work schedule. This category includes individuals who regularly or frequently work significantly more than 8 hours per day. Unusual hours does not include shift workers, those on alternate work schedules, and those granted exceptions to the normal work schedule (e.g., flex-time).

§ 101-20.003-34 Vanpool.

"Vanpool" means a group of at least 8 persons using a passenger van or a commuter bus designed to carry 10 or more passengers. Such a vehicle must be used for transportation to and from work in a single daily round trip. The number of persons in a vanpool will normally be the basis for priority of assignments.

§ 101-20.003.35 Zonal allocations.

"Zonal allocations" means the allocation of parking spaces on the basis of zones established by GSA in conjunction with occupant agencies. In metropolitan areas where this method is used, all agencies located in a designated zone will compete for available parking in accordance with instructions issued by GSA. In establishing this procedure, GSA will consult with all affected agencies.

SUBPART 101-20.1--BUILDING OPERATIONS, MAINTENANCE,
PROTECTION, AND ALTERATIONS

§ 101-20.101 Building systems.

(a) Structural features and mechanical and electrical systems in GSA-assigned space shall be adequate for the needs of occupant agencies. Such systems will comply with applicable GSA fire safety criteria and with standards prescribed under the Occupational Safety & Health Act (OSHA). GSA will take all measures necessary to comply with energy conservation objectives as promulgated by relevant statutes, regulations, and executive orders.

(b) No modification shall be made to buildings, or equipment which will exceed the building design loads or exceed the capacities of electrical, mechanical, and protection systems. No modifications which adversely alter the performance of building systems, or which create safety and health hazards, as determined by GSA safety and health representatives, shall be made.

(c) Occupant agencies shall obtain GSA approval for any modifications proposed to be made with their own forces. This approval requirement applies to the moving or installation of unusually heavy equipment, to electrical appliances such as

heaters, refrigerators, and cooking equipment, and to employee-owned equipment.

(d) Occupant agencies shall conform to GSA accident and fire prevention policy, shall observe all OSHA requirements, and shall comply with applicable local safety regulations.

§ 101-20.102 Cleaning and maintenance.

GSA shall provide:

(a) Cleaning for all assigned space at a level equivalent to the cleaning furnished commercially for similar types of space.

(b) Maintenance of building systems for heating and cooling, and maintenance of plumbing, electrical, and elevator systems.

(c) Maintenance and repairs of exterior, grounds, sidewalks, driveways, and parking areas.

(d) Maintenance of building equipment such as directory boards, clock systems, window shades, door locks, and door title cards.

(e) Cyclic paintings of agency occupied space once every five years, and paintings of public areas once every three years, if needed.

(f) Maintenance of all safety and fire protection devices, equipment, and systems in a state of readiness in conformance with applicable laws, regulations, and standards.

(g) Maintenance of all food service activities in accordance with applicable U.S. Public Health Service standards and local regulations.

(h) Arrangements for raising and lowering the United States flags at appropriate times.

§ 101-20.103 Physical protection and building security.

§ 101-20.103-1 Standard protection.

For properties under its custody and control, GSA will provide standard protection services by:

(a) Establishing mobile patrols through the use of Federal Protective Officers or fixed posts, staffed by uniformed personnel under contract;

(b) Installing and maintaining security devices and systems;

(c) Implementing crime prevention activities, including tenant awareness programs;

(d) Responding to criminal occurrences, incidents, and life-threatening events.

(e) Investigating crimes and violations of Federal statutes, recording and evaluating reports of criminal incidents, and referring findings and evidence to appropriate enforcement agencies;

(f) Entering into cooperative agreements with local law enforcement agencies;

(g) Performing physical security surveys and providing security advisory services; or

(h) Coordinating a comprehensive Occupant Emergency Program.

§ 101-20.103-2 Special protection.

The degree of protection beyond standard levels required by the nature of an agency's activities or by unusual public reaction to an agency's programs will be determined jointly by GSA and the occupant agency. Special protection will be provided on a reimbursable basis. The level of special protection will be determined on a facility-by-facility basis, after the conducting of appropriate security surveys and crime prevention assessments. In such determinations, GSA and occupant agencies will consider:

(a) The characteristics of the facility, including size, configuration, exterior lighting, and presence of physical barriers;

(b) The location of the facility and the history of criminal or disruptive incidents in the surrounding neighborhoods; and

(c) The reimbursable funding and resources available to GSA for provision of protective service.

§ 101-20.103-3 Responsibilities of occupant agencies.

Occupants of facilities under the custody and control of GSA shall:

(a) Cooperate to the fullest extent with all pertinent facility procedures and regulations;

(b) Promptly report all crimes on or against property to GSA;

(c) Provide training to employees regarding protection and responses to emergency situations; and

(d) Make recommendations for improving the effectiveness of protection in Federal facilities.

§ 101-20.103-4 Occupant Emergency Program.

(a) The Designated Official (as defined in § 101-20.003-7) is responsible for developing, implementing, and maintaining an Occupant Emergency Plan (as defined in § 101-20.003-23). The Designated Official's responsibilities include establishing, staffing, and training an Occupant Emergency Organization with agency employees. GSA shall assist in the establishment and maintenance of such plans and organizations.

(b) All occupant agencies of a facility shall fully cooperate with the Designated Official in the implementation of the emergency plans and the staffing of the emergency organization.

(c) GSA shall provide emergency program policy guidance, shall review plans and organizations annually, shall assist in training of personnel, and shall otherwise ensure proper administration of Occupant Emergency Programs (as defined in § 101-20.003-24). In leased space, GSA will solicit the assistance of the lessor in the establishment and implementation of plans.

(d) In accordance with established criteria, GSA shall assist the Occupant Emergency Organization (as defined in § 101-20.003-22) by providing technical personnel qualified in the operation of utility systems and protective equipment.

§ 101-20.103-5 Initiating action under Occupant Emergency Programs.

(a) The decision to activate the Occupant Emergency Organization shall be made by the Designated Official, or by the designated alternate official. Decisions to activate shall be based upon the best available information, including an understanding of local tensions, the sensitivity of target agency(ies), and previous experience with similar situations. Advice shall be solicited, when possible, from the GSA buildings manager, from the appropriate Federal Protective Service official, and from Federal, State, and local law enforcement agencies.

(b) When there is immediate danger to persons or property, such as fire, explosion, or the discovery of an explosive device (not including a bomb threat), occupants shall be evacuated or relocated in accordance with the plan without consultation. This shall be accomplished by sounding the fire alarm system or by other appropriate means.

(c) When there is advance notice of an emergency, the Designated Official shall initiate appropriate action according to the plan.

(d) After normal duty hours, the senior Federal official present shall represent the Designated Official or his/her alternates and shall initiate action to cope with emergencies in accordance with the plans.

§ 101-20.104 Parking facilities.

(a) Parking facilities shall be compatible with the character of neighborhoods and consistent with local planning requirements. They shall not adversely affect the use or appearance of property, and shall not create traffic hazards.

(b) As necessary or upon agency request, GSA may provide for the regulation and policing of parking facilities. GSA will consult with primary occupant agencies prior to implementing procedural changes. Such regulation and policing may include:

(1) The issuance of traffic rules and regulations;

(2) The installation of signs and markings for traffic control. (Signs and markings shall be in conformance with the Manual on Uniform Traffic Control Devices published by the Department of Transportation);

(3) The issuance of citations for parking violations; and

(4) The immobilization or removal of illegally parked vehicles.

(c) When the use of parking space is controlled as in (b) above, all privately owned vehicles other than those authorized to use designated visitor or service areas must display a parking permit. This requirement may be waived in parking facilities where the number of available spaces regularly exceeds the demand for such spaces.

(d) GSA may delegate the responsibility for management, regulation, and policing of parking facilities by agreement with occupant agencies or by contractual arrangements with lessors or parking management contractors. Where possible, existing contracts shall be amended or modified before renewal to conform with the policies of this regulation.

(e) Privately owned vehicles converted for propane carburetion will not be permitted in underground parking facilities unless the owner provides to the occupant agency and the GSA buildings manager the installer's certification that the installation methods and equipment meet the standards in National Fire Protection Association (NFPA) Standard No. 58.

§ 101-20.104-1 Allocation and assignment of parking for official needs.

GSA is responsible for ensuring the availability of parking spaces for official needs. GSA may, by mutual agreement, delegate allocation and assignment responsibilities to occupant agencies or boards, commissions, and similar groups. GSA and other agencies with assignment responsibilities shall determine

the appropriate number of spaces at each facility for official purposes; such determinations will be based upon submissions of information from occupant agencies regarding their needs. Parking spaces in controlled facilities shall first be reserved for official needs, in the following order of priority:

- (a) At buildings containing U.S. Postal Service mailing operations, official postal vehicles.
- (b) Government-owned vehicles used for criminal apprehension, firefighting, and other emergency functions.
- (c) Privately owned vehicles of Federal judges appointed under Article III of the Constitution and of Members of Congress. (This priority does not extend to members of their staffs.)
- (d) Other Government-owned and -leased vehicles, including motor pool vehicles and vehicles assigned for general use.
- (e) Service vehicles and vehicles of patrons and visitors. (Accommodations for handicapped visitors shall be provided when necessitated by agency program requirements. Agencies are encouraged to provide accommodations for handicapped visitors.)

§ 101-20.104-2 Allocation and assignment of employee parking spaces.

(a) Parking spaces not required for official needs may be used for employee parking.

(b) GSA (or other agencies having assignment responsibilities) will determine the total number of spaces available for employee parking. Normally, a separate determination will be made for each parking facility. In major metropolitan areas, however, GSA and occupant agencies may ascertain that zonal allocations would achieve more efficient use of space or equality in the availability of parking.

(c) Space available for employee parking will be allocated for occupant agency use on an equitable basis. Allocations may be made in proportion to each agency's share of building space, office space, or total employee population, as appropriate. In certain cases, GSA may allow a third party, such as a board composed of representatives of agencies sharing space, to determine proper reallocations among the agencies.

(d) Agencies shall in turn assign spaces to their employees, using the following order of priority:

- (1) Severely handicapped employees. Justifications based on medical opinion may be required.
- (2) Executive personnel and persons who work unusual hours.

(3) Vanpool/carpool vehicles.

(4) Privately owned vehicles of occupant agency employees which are regularly used for Government business at least 12 days per month and which qualify for reimbursement of mileage and travel expenses under Government travel regulations.

(5) Other privately owned vehicles of employees, on a space-available basis. (In locations where parking allocations are made on a zonal basis, GSA and affected agencies may cooperate to issue additional rules, as appropriate.)

§ 101-20.104-3 Utilization of parking.

(a) Agencies shall develop, implement, and maintain ridesharing programs. (Guidelines for the administration of ridesharing programs are contained in FPMR Amendment A-36.)

(b) GSA will take all feasible measures to improve the utilization of parking facilities. Such measures may include the conducting of surveys and studies, the periodic review of parking space allocations, the dissemination of parking information to agencies, the implementation of parking incentives which promote ridesharing, the use of stack parking practices where appropriate, and the employment of parking management contractors and concessionaires.

§ 101-20.104-4 Guidelines for agency implementation.

(a) In most instances, the assignment of individual reserved spaces should be minimized; this allows the number of permits to be overallocated and results in increased efficiency.

(b) In order to promote fuel conservation, reduce traffic congestion, reduce the demand for parking spaces, and reduce air pollution, agencies are encouraged to make available as many parking spaces as possible for the use of vanpools/carpools.

(c) Agency procedures for the assignment of parking spaces should be maintained in writing. Provisions for reviewing assignments, enforcing compliance with regulations, and enforcing penalties for misrepresentation on applications are also recommended.

(d) Occupant agencies should make every effort to schedule arrival and departure times for employees to facilitate ridesharing.

(e) Subject to the availability of satisfactory and secure space and facilities, agencies should reserve areas for the parking of bicycles and other two-wheeled vehicles. Bicycles should not be transported on elevators or via stairways, nor should they be parked in offices.

(f) Implementation of the provisions of this regulation may require consultation, as appropriate, with recognized labor organizations.

§ 101-20.105 Accident and fire prevention.

Standards for GSA-assigned space will conform to those presented by the Occupational Safety and Health Act (OSHA) of 1970 (Public Law 91-596); Executive Order 12196; and 29 CFR 1960. Occupants and visitors will not be exposed to unnecessary risks. Safeguards which minimize personal harm, property damage, and impairment of Governmental operations, and which allow emergency forces to accomplish their missions effectively, will be provided. To the maximum extent feasible, GSA will provide space which meets or exceeds these objectives.

§ 101-20.105-1 Responsibilities of occupant agencies.

(a) Each occupant agency shall maintain a neat and orderly facility to minimize the risk of accidental injuries and fires. All exits, accesses to exits, and accesses to emergency equipment shall be kept clear at all times.

(b) Hazardous explosive or combustible materials shall not be brought into buildings unless authorized by appropriate agency officials and by GSA and unless protective arrangements determined necessary by GSA have been provided. All draperies, curtains, or other hanging materials shall be of non-combustible or flame-resistant fabric. Freestanding partitions and space dividers shall be limited combustible, and fabric coverings shall also be flame resistant.

(c) Occupant agencies shall cooperate with GSA to develop and maintain fire prevention programs. Such programs shall ensure the maximum safety of the occupants by:

(1) Training employees to use protective equipment and educating employees to take appropriate fire safety precautions in their work, including participating in at least one fire drill each year, and

(2) Ensuring that facilities are kept in the safest condition practicable, and conducting periodic inspections in accordance with Executive Order 12196 and 29 CFR 1960.

(d) Accidents resulting from building system or maintenance deficiencies which involve personal injury or property damage in GSA-assigned space will be reported immediately to the GSA buildings manager.

(e) Each occupant agency shall appoint a safety, health and fire protection liaison to represent the occupant agency with GSA.

§ 101-20.105-2 Correction of hazardous conditions.

(a) GSA is responsible for correcting hazards associated with the condition of the space it assigns, including hazards related to building features, fixtures, and systems. GSA is also responsible for correcting hazards in common, joint, and public use spaces. Occupant agencies are responsible for correcting hazards associated with their use of assigned space, including those related to the operation of their program equipment.

(b) Hazardous conditions within the occupant agency's responsibility to correct shall be corrected within 30 workdays when possible. Imminently dangerous conditions shall be corrected immediately upon their discovery. If more than 30 workdays are required for correction, an abatement plan shall be prepared in accordance with 29 CFR 1960. Corrective alteration measures may be undertaken in accordance with § 101-20.106, Reimbursable services.

(c) Conditions within GSA's responsibility to correct shall be identified, documented and presented to the GSA buildings manager. Imminently dangerous conditions shall be corrected immediately upon their discovery. When an imminently dangerous condition as defined by 29 CFR 1960.28 exists, this report shall be made by telephone. Upon receipt of a properly documented report of hazardous conditions, GSA will promptly investigate, determine a plan to resolve the problems, and inform the occupant agency. Such reports shall state the hazardous condition and cite references to specific OSHA standards violated. In cases involving health problems, an industrial hygiene survey report shall also be required. When resolution will take more than 30 workdays, GSA shall prepare an abatement plan in accordance with 29 CFR 1960, shall furnish this plan to the occupant agency for review and subsequent follow-up, and shall give priority to prompt abatement of the conditions.

§ 101-20.105-3 Smoking.

It is the responsibility of GSA to promulgate smoking regulations for GSA-controlled property.

(a) Smoking is prohibited in the following areas:

(1) Auditoriums, classrooms, and conference rooms. Agency heads may grant exceptions on a case-by-case basis for space assigned to them.

(2) Elevators.

(3) Shuttle vehicles.

(4) Hazardous areas. Agencies shall post and enforce "no smoking" rules for any areas where flammable liquids, flammable gases, or other concentrations of volatile materials are present.

(b) GSA and occupant agencies shall cooperate in the designation of "smoking" and "no smoking" areas in GSA-controlled facilities.

(1) Smoking is permitted in non-stack areas of libraries which are designated as "smoking" areas.

(2) "No smoking" areas shall be established in cafeterias. The areas so designated shall be based upon estimates of the numbers of smoking and non-smoking patrons, adjusted on the basis of experience.

(3) Waiting areas and reception areas shall be divided into "smoking" and "no smoking" areas where size permits.

(4) Smoking in medical care facilities shall be restricted to staff lounges, private offices, and specifically designated areas.

(5) The designation of "smoking" and "no smoking" work areas in open space is encouraged and its feasibility should be evaluated. Work stations shall be assigned to accommodate employee preference where practical, provided that work efficiency is not impaired and additional space, alterations, or additional equipment are not required.

(6) Employees occupying an office may unanimously declare that office a "no smoking" area.

(7) In all determinations of "smoking" and "no smoking" areas, policymakers shall endeavor to maintain an equitable balance between the rights of smokers and those of non-smokers.

(c) Enforcement.

(1) GSA has responsibility for enforcing smoking regulations in public areas and in joint-use areas.

(2) Enforcement of smoking regulations within areas assigned to an occupant agency is the responsibility of the agency heads. Occupant agencies shall provide such additional guidelines and administrative procedures as are necessary for effective enforcement and for resolutions of complaints and disputes.

(3) The organization which has enforcement responsibility in an area shall provide "smoking" or "no smoking" signs and ashtrays as appropriate.

§ 101-20.106 Reimbursable services.

Services in addition to those standard level services prescribed in §§ 101-20.101 through 20.105 may be provided or arranged for by GSA on a reimbursable basis.

Such services include:

(a) Specialized security services beyond standard levels, such as guarding, ingress-egress control, inspection of packages, directed security patrols, physical security surveys, and other similar activities;

(b) Design, installation, maintenance, and operation of electronic systems such as intrusion-detection devices, duress-holdup alarms, and remote monitoring systems;

(c) Utilities for specialized equipment, or for times when space conditioning beyond standard levels is required;

(d) Construction and/or alterations necessary for installation of agency program equipment;

(e) Space adjustments requested by an occupant agency for its convenience in moving activities within its already assigned space;

(f) Janitorial and other services over and above standard levels;

(g) Space alterations beyond the standard level provided by GSA;

(h) Construction, installation, operation, maintenance, and repair of agency program equipment, and space adjustments required as a result of such installations;

(i) Services of motion picture operators and other technicians required in the use of auditoriums, conference rooms, and special agency equipment; and

(j) Office design, space planning, and office automation installation support and services.

§ 101-20.106-1 Placing of orders for reimbursable alterations by occupant agencies.

(a) Where GSA has indefinite quantity contracts and/or unit price agreements available for accomplishment of space alterations in Government-owned and -leased buildings, agencies should order against these contracts and agreements, except when it is not in the Government's best interest. Agencies wishing to use this authority shall submit names of their proposed ordering officials to the GSA buildings manager, who will submit them to the GSA contracting officer. The contracting officer shall designate in writing the ordering officials and will authorize the contractor to accept orders from the designated ordering officials. The GSA contracting officer shall advise the agencies' ordering officials in writing of their

responsibilities, authorities, and limitations under these contracts and agreements.

(b) No individual order, or combination of orders for a single alteration project, shall exceed \$25,000; and agencies shall not split orders so as to circumvent this limitation.

(c) For all orders placed against GSA contracts or agreements, agency ordering officials shall obtain prior written approval of the GSA buildings manager and provide a copy of the ordering document and final payment document to the GSA buildings manager. Agencies are responsible for inspecting and certifying satisfactory completion of the work, and for ensuring contractor compliance with contract provisions. The final payment document shall be supported by GSA Form 1142, Release of Claims; GSA Form 2419, Certification of Payments to Subcontractors and Suppliers; and certification that the work has been inspected and accepted.

(d) Agencies may not negotiate with contractors for items not specifically priced under indefinite quantity contracts and/or price agreements.

(e) Where no GSA contracts or agreements are in effect, an agency may contract directly for services up to a maximum of \$25,000 per project after obtaining written approval of the GSA buildings manager. Agencies contracting directly must provide the GSA buildings manager with complete documentation of the scope of work and contract specifications at the time of submission for approval. Agencies shall be responsible for inspecting and certifying satisfactory completion of the ordered work. All work must conform to GSA fire and safety standards. As-built drawings must be submitted to the GSA buildings manager with 30 days of completion of the work.

§ 101-20.106-2 Limitations on provision of reimbursable services by GSA.

In order to reduce processing costs of documents and to improve efficiency of service delivery, requests for reimbursable work to be performed or arranged by GSA may be subject to the following requirements:

(a) Individual work authorizations (e.g., GSA Form 2957's) for which total expenses as estimated by GSA are less than \$500 need not be processed by GSA, but may be returned to the requesting agency. Unless the work is required to correct an unhealthful or unsafe condition, occupant agencies may be required to hold all such requests until the reimbursable work in question can be aggregated into a single request for at least \$500.

(b) The restrictions of paragraph (a) above are not mandatory, but may be applied by GSA when their application is in the best interests of the Government from the standpoint of cost effectiveness.

(c) The restrictions of paragraph (a) above do not apply to orders placed against existing blanket or open-end authorizations which exceed \$500 and which show obligated and unused fund balances sufficient to perform the work.

(d) Agencies requesting reimbursable services are responsible for verifying and approving GSA estimates within 30 calendar days following submission of such estimates to the requester. Reimbursable work requests for which estimates have not been approved within 30 days will be canceled.

§ 101-20.107 Energy conservation.

Agencies shall comply with the energy conservation guidelines set forth in 10 CFR Part 436 (Federal Energy Management and Planning Programs; Guidelines for Energy Management in General Operations of the Federal Government) and shall observe the energy conservation policies cited herein.

(a) Agencies shall ensure that lights and equipment are turned off when not needed, that ventilation is not blocked or impeded, and that windows and other building accesses are closed during the heating and cooling seasons.

(b) Except where special circumstances exist, illumination levels shall be maintained as near as is practical to the following standards:

(1) 50 foot-candles at work station surfaces, measured at a height of 30 inches above floor level, during working hours. (For visually difficult or critical tasks, additional lighting may be authorized by the GSA buildings manager or by agencies that have been given delegated authority to perform buildings management functions.);

(2) 30 foot-candles in work areas during working hours, measured at 30 inches above floor level;

(3) 10 foot-candles, but not less than 1 foot-candle, in non-work areas, sufficient to ensure safety in non-work areas during working hours. (Normally this will require levels of 5 foot-candles at elevator boarding areas, minimum of 1 foot-candle at the middle of corridors and stairwells as measured at the walking surface, and 10 foot-candles in storage areas.); and

(4) Other lighting essential for safety and security purposes, including exit signs and exterior lights, shall be maintained.

(c) Within the limitations of the building systems, heating and cooling systems shall be operated in the most overall energy efficient and economical manner.

(1) Thermostats shall be set to maintain temperatures no less than 65° to 70°F during the heating season and no more than 76° to 80°F during the cooling season. During non-working hours, heating temperatures shall be set no higher than 55°F and air conditioning will not be provided. Temperatures in warehouses, loading docks, inspection facilities, and other similar spaces subject to external traffic shall be adjusted lower than 65°F depending upon the type of occupancy and activity.

(2) The locations used for measurement of temperatures to determine compliance will be representative of the spaces to be heated or cooled.

(3) Workstations which are the most adversely affected may be the basis for establishing the temperature levels throughout that portion of the building.

(4) Reheating, humidification, and simultaneous heating and cooling shall not be permitted.

(5) During extreme weather conditions, building systems shall be operated as necessary to protect the physical condition of the building.

(d) The operation of portable heaters, fans, and other such devices in Government controlled space is prohibited unless authorized by the GSA buildings manager or by agencies that have been given delegated authority to perform buildings management functions.

(e) Within limitations of building systems, ventilation will be provided in the most cost effective manner. During working hours, 5 cubic feet per minute, per person, will be the minimum provided during periods of heating or cooling. Outside air may be used as appropriate to allow "less expensive cooling."

(f) Energy standards for existing buildings will be no less stringent than those prescribed by the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America in ASHRAE/IES Standard 90A-1980 as amended by Department of Energy (DOE). These energy standards are applicable where they can be achieved through life cycle, cost effective actions.

(g) Exceptions to the foregoing policies may be necessary for specialized requirements or for agencies to accomplish their missions more effectively and efficiently. Such exceptions may be granted by the GSA buildings manager or by agencies that have been given delegated authority to perform buildings management functions.

(h) Contracting officers shall ensure that all new lease contracts are in conformance with the policies prescribed in this §101-20.107. Existing lease contracts shall be administered in

accordance with these policies to the maximum extent feasible.

§ 101-20.108 Staggered hours of duty.

(a) The GSA Regional Administrator, National Capital Region, is responsible for putting into effect the policy of maintaining staggered duty hours in Metropolitan Washington, DC. For purposes of this regulation, "Metropolitan Washington" means the Washington Standard Metropolitan Statistical Area (SMSA) as defined by the Department of Commerce.

(b) Any agency planning a change in its schedule of duty hours which will affect 50 or more employees shall submit the changes to the GSA Regional Administrator, (WA) Washington, DC, 20407, for approval prior to implementation. The agency shall indicate the number of employees affected, the present and proposed hours of duty, and the reasons for the change in schedule. The agency shall also coordinate with the employees and their union(s) to determine the percentage of employees in favor of the proposed change.

(c) The GSA Regional Administrator, National Capital Region, shall coordinate the proposed change with appropriate authorities to ensure that the change will not create congestion or disruptions in traffic or transportation flow patterns.

(d) GSA and other Federal agencies may also consider the advisability of establishing staggered duty hours in areas outside Metropolitan Washington where major concentrations of Federal employees exist.

§ 101-20.109 Concessions.

(a) The provisions of this section do not apply to blind vending facilities operated under the Randolph-Sheppard Act (20 U.S.C. 107 et seq.); regulations governing this program are contained in Subpart 101-20.2.

(b) GSA is responsible for the planning, provision, and administration of essential concessions in buildings under its control. GSA will enter into and award concessions contracts, provide suitable space and facilities, if required, and administer applicable inspection and oversight functions. Officials of occupant agencies shall convey concerns to GSA and shall not instruct concessionaires regarding their operations.

(c) Subject to the availability of space, prior to establishing concessions, GSA will ensure that:

(1) The proposed concession will offer only essential services which are needed by employees, and which cannot be conveniently obtained from existing facilities, (Consultation will be held with occupant agencies.);

(2) The proposed concession will be established and operated in conformance with applicable policies, safety, health, and sanitation codes, laws, regulations, etc., and will not contravene the terms of any lease or other contractual arrangement;

(3) Sufficient funds are legally available to cover all costs for which the Government may be responsible; and

(4) All contracts will be financially self-supporting and not compete with nearby commercial enterprise.

SUBPART 101-20.2--VENDING FACILITY PROGRAM FOR BLIND PERSONS

§ 101-20.200 Scope of subpart.

This subpart contains the policy and procedures for ensuring the priority of blind vendors in operating vending facilities on GSA-controlled property.

§ 101-20.201 Policy.

Blind vendors licensed by State licensing agencies designated by the Secretary of Education under the provisions of the Randolph-Sheppard Act (20 U.S.C. 107 et seq.) shall be given priority in the location and operation of vending facilities, including vending machines, on GSA-controlled property provided the location or operation of such facility would not adversely affect the interests of the United States. Blind vendors shall also be given priority on GSA-controlled property in the operation of cafeterias according to 34 CFR 395.33.

§ 101-20.202 Establishing vending facilities.

(a) GSA shall not acquire a building by ownership, rent, or lease, or occupy a building to be constructed, substantially altered, or renovated unless it is determined that such buildings contain or will contain a "satisfactory site" as defined in 34 CFR 395.1q, for the location and operation of a blind vending facility.

(b) In accordance with 34 CFR 395.31, GSA shall provide the appropriate State licensing agency with written notice of its intention to acquire or otherwise occupy such building. Providing notification shall be the responsibility of the Buildings Management Division, GSA.

§ 101-20.203 Application for permit.

Applications for permits for the operation of vending facilities other than cafeterias shall be made in writing on the appropriate form, and submitted for the review and approval of GSA.

§ 101-20.204 Terms of permit.

Every permit shall describe the location of the vending facility including any vending machines located on other than the facility premises and shall be subject to the following provisions:

(a) The permit shall be issued in the name of the applicant State licensing agency which shall:

(1) Prescribe such procedures necessary to assure that in the selection of vendors and employees for vending facilities there shall be no discrimination because of sex, race, age, creed, color, national origin, physical or mental disability, or political affiliation; and

(2) Take the necessary action to assure that vendors do not discriminate against any persons in furnishing, or by refusing to furnish, to such person or persons the use of any vending facility, including any and all services, privileges, accommodations, and activities provided thereby, and comply with Title VI of the Civil Rights Act of 1964 and GSA regulations issued pursuant thereto.

(b) The permit shall be issued for an indefinite period of time subject to suspension or termination on the basis of compliance with agreed upon terms.

(c) The permit shall provide that:

(1) No charge shall be made to the State licensing agency for normal cleaning, maintenance, and repair of the building structure in and adjacent to the vending facility areas;

(2) Cleaning necessary for sanitation, and the maintenance of vending facilities and vending machines in an orderly condition at all times, and the installation, maintenance, repair, replacement, servicing, and removal of vending facility equipment shall be without cost to GSA; and

(3) Articles sold at vending facilities operated by blind licensees may consist of newspapers, periodicals, publications, confections, tobacco products, foods, beverages, chances for any lottery authorized by State law and conducted by an agency of a State within such State, and other articles or services as are determined by the State licensing agency, in consultation with GSA to be suitable for a particular location. Such articles and services may be dispensed automatically or manually and may be prepared on or off the premises.

(d) The permit shall further provide that vending facilities shall be operated in compliance with applicable health, sanitation, and building codes or ordinances.

(e) The permit shall further provide that installation, modification, relocation, removal, and renovation of vending facilities shall be subject to the prior approval and supervision of the Director, Buildings Management Division, GSA, and the State licensing agency; that costs of relocations initiated by the State licensing agency shall be paid by the State licensing agency; that costs of relocations initiated by the Director, Buildings Management Division, shall be paid by GSA; and that all plumbing, electrical, and mechanical costs related to the renovation of existing facilities shall be paid by GSA.

(f) The operation of a cafeteria by a blind vendor shall be covered by a contractual agreement and not by a permit. The State licensing agency shall be expected to perform under the same contractual arrangement applicable to commercial cafeteria operators.

§ 101-20.205 Enforcement procedures.

(a) The State licensing agency shall attempt to resolve day-to-day problems pertaining to the operation of the vending facility in an informal manner with the participation of the blind vendor and the buildings manager.

(b) Unresolved disagreements concerning the terms of the permit, the Act, or the regulations in this part and any other unresolved matters shall be reported in writing to the State licensing agency supervisory personnel by the GSA regional office in an attempt to resolve the issue.

§ 101-20.206 Reports.

At the end of each fiscal year, GSA shall report to the Secretary of Education the total number of applications for vending facility locations received from State licensing agencies, the number accepted, the number denied, the number still pending, the total amount of vending machine income collected, and the amount of such vending machine income disbursed to the State licensing agency in each State.

SUBPART 101-20.3--CONDUCT ON FEDERAL PROPERTY

§ 101-20.300 Applicability.

These rules and regulations apply to all property under the charge and control of the General Services Administration and to all persons entering in or on such property. Each occupant agency shall be responsible for the observance of these rules and regulations.

§ 101-20.301 Inspection.

Packages, briefcases, and other containers brought into, while on, or being removed from the property are subject to inspection.

A full search of a person may accompany an arrest.

§ 101-20.302 Admission to property.

Property shall be closed to the public during other than normal working hours. The closing of property will not apply to that space in those instances where the Government has approved the after-normal-working-hours use of buildings or portions thereof for activities authorized by Subpart 101-20.4. During normal working hours, property shall be closed to the public only when situations require this action to ensure the orderly conduct of Government business. The decision to close the property shall be made by the designated official under the Occupant Emergency Program after consultation with the buildings manager and the ranking representative of the Federal Protective Service Division responsible for protection of the facility or the area. This requirement does not preempt the authority of the Regional Director, Federal Protective Service Division, or any other authorized GSA official to effect a security alert of a facility in accordance with GSA Order, Physical Security of Buildings Alert Guidelines (PBS 5930.16), dated February 20, 1976. This action shall be coordinated with the designated official. The designated official is defined in § 101-20.003-7 as the highest ranking official of the primary occupant agency, or the alternate highest ranking official or designee selected by mutual agreement by other occupant agency officials. When property, or a portion thereof, is closed to the public, admission to this property, or a portion, will be restricted to authorized persons who shall register upon entry to the property and shall, when requested, display Government or other identifying credentials to the Federal Protective Officers or other authorized individuals when entering, leaving, or while on the property. Failure to comply with any of the above applicable provisions is a violation of these regulations.

§ 101-20.303 Preservation of property.

The improper disposal of rubbish on property; the willful destruction of or damage to property; the theft of property; the creation of any hazard on property to persons or things; the throwing of articles of any kind from or at a building or the climbing upon statues, fountains, or any part of the building, is prohibited.

§ 101-20.304 Conformity with signs and directions.

Persons in and on property shall at all times comply with official signs of a prohibitory, regulatory, or directory nature and with the direction of Federal Protective Officers and other authorized individuals.

§ 101-20.305 Disturbances.

Any unwarranted loitering, disorderly conduct, or other conduct

on property which creates loud or unusual noise or a nuisance; which unreasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots; which otherwise impedes or disrupts the performance of official duties by Government employees; or which prevents the general public from obtaining the administrative services provided on the property in a timely manner, is prohibited.

§ 101-20.306 Gambling.

Participating in games for money or other personal property or the operating of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets, in or on property is prohibited. This prohibition shall not apply to the vending or exchange of chances by licensed blind operators of vending facilities for any lottery set forth in a State law and authorized by section 2(a)(5) of the Randolph-Sheppard Act (20 U.S.C. 107, et seq.)

§ 101-20.307 Alcoholic beverages and narcotics.

Operation of a motor vehicle while on the property by a person under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines is prohibited. Entering upon the property, or while on the property, under the influence of or using or possessing any narcotic drug, hallucinogen, marijuana, barbiturate, or amphetamine is prohibited. The prohibition shall not apply in cases where the drug is being used as prescribed for a patient by a licensed physician. Entering upon the property, or being on the property, under the influence of alcoholic beverages is prohibited. The use of alcoholic beverages on property is prohibited except, upon occasions and on property upon which the head of the responsible agency or his or her designee has for appropriate official uses granted an exemption in writing. The head of the responsible agency or his or her designee shall provide a copy of all exemptions granted to the buildings manager who shall inform the Federal Protective Officer, or other authorized officials, responsible for the security of the property.

§ 101-20.308 Soliciting, vending, and debt collection.

Soliciting alms, commercial or political soliciting, and vending of all kinds, displaying or distributing commercial advertising, or collecting private debts on GSA-controlled property is prohibited. This rule does not apply to (a) national or local drives for funds for welfare, health, or other purposes as authorized by the "Manual on Fund Raising Within the Federal Service," issued by the U.S. Office of Personnel Management under Executive Order 10927 of March 18, 1961, and sponsored or approved by the occupant agencies; (b) concessions or personal notices posted by employees on authorized bulletin boards; (c) solicitation of labor organization membership or dues authorized

by occupant agencies under the Civil Service Reform Act of 1978 (Pub. L. 95-454); and (d) lessee, or its agents and employees, with respect to space leased for commercial, cultural, educational, or recreational use under the Public Buildings Cooperative Use Act of 1976 (40 U.S.C. 490(a)(16)). Public areas of GSA-controlled property may be used for other activities permitted in accordance with Subpart 101-20.4.

§ 101-20.309 Posting and distributing materials.

Posting or affixing materials, such as pamphlets, handbills, or flyers, on bulletin boards or elsewhere on GSA-controlled property is prohibited, except as authorized in § 101-20.308 or when these displays are conducted as part of authorized Government activities. Distribution of materials, such as pamphlets, handbills, or flyers, is prohibited, except in the public areas of the property as defined in § 101-20.003-26, unless conducted as part of authorized Government activities. Any person or organization proposing to distribute materials in a public area under this section shall first obtain a permit from the buildings manager under Subpart 101-20.4 and shall conduct distribution in accordance with the provisions of Subpart 101-20.4. Failure to comply with those provisions is a violation of these regulations.

§ 101-20.310 Photographs for news, advertising, or commercial purposes.

Photographs may be taken in space occupied by a tenant agency only with the consent of the occupying agency concerned. Except where security regulations apply or a Federal court order or rule prohibits it, photographs for news purposes may be taken in entrances, lobbies, foyers, corridors, or auditoriums when used for public meetings. Subject to the foregoing prohibitions, photographs for advertising and commercial purposes may be taken only with written permission of an authorized official of the agency occupying the space where the photographs are to be taken.

§ 101-20.311 Dogs and other animals.

Dogs and other animals, except seeing eye dogs or other guide dogs, shall not be brought upon property for other than official purposes.

§ 101-20.312 Vehicular and pedestrian traffic.

(a) Drivers of all vehicles entering or while on property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of Federal protective officers or other authorized individuals and all posted traffic signs;

(b) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants on property is prohibited; and

(c) Except in emergencies, parking on property is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or parking contrary to the direction of posted signs is prohibited. Vehicles parked in violation, where warning signs are posted, shall be subject to removal at the owners' risk and expense. This paragraph may be supplemented from time to time with the approval of the Regional Administrator by the issuance and posting of such specific traffic directives as may be required, and when so issued and posted such directives shall have the same force and effect as if made a part hereof. Proof that a motor vehicle was parked in violation of these regulations or directives may be taken as prima facie evidence that the registered owner was responsible for the violation.

§ 101-20.313 Weapons and explosive.

No person entering or while on property shall carry or possess firearms, other dangerous or deadly weapons, explosives, or items intended to be used to fabricate an explosive or incendiary device, either openly or concealed, except for official purposes.

§ 101-20.314 Nondiscrimination.

There shall be no discrimination by segregation or otherwise against any person or persons because of race, creed, sex, color, or national origin in furnishing or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on the property.

§ 101-20.315 Penalties and other laws.

Whoever shall be found guilty of violating any rule or regulation in this Subpart 101-20.3 while on any property under the charge and control of GSA is subject to a fine of not more than \$50 or imprisonment of not more than 30 days, or both, (See 40 U.S.C. 318c.) Nothing in these rules and regulations shall be construed to abrogate any other Federal laws or regulations or any State and local laws and regulations applicable to any area in which the property is situated.

SUBPART 101-20.4--OCCASIONAL USE OF PUBLIC BUILDINGS

§ 101-20.400 Scope of subpart.

§§ 101-20.401 through 101-20.408 establish rules and regulations for the occasional use of public areas for cultural, educational and recreational activities as provided by the Public Buildings Cooperative Use Act of 1976 (P.L. 94-541).

§ 101-20.401 Applications for permits.

(a) Any person or organization desiring to use a public area shall file an application for permit with the GSA Buildings Manager. Such application shall be made on a form provided by GSA and shall be submitted in the manner specified by GSA.

(b) The following information is required:

(1) Full names, mailing addresses, and telephone numbers of the applicant, the organization sponsoring the proposed activity, and the individual(s) responsible for supervising the activity;

(2) Documentation showing that the applicant has authority to represent the sponsoring organization;

(3) A description of the proposed activity, including the dates and times during which it is to be conducted and the number of persons to be involved.

(c) If the proposed activity constitutes a use of a public area for soliciting funds, the applicant shall also submit a signed statement that:

(1) The applicant is a representative of and will be soliciting funds for the sole benefit of, a religion or religious group; or

(2) The applicant's organization has received an official ruling of tax-exempt status from the Internal Revenue Service under 26 U.S.C. §501; or, alternatively, that an application for such a ruling is still in process.

§ 101-20.402 Permits.

(a) A permit shall be issued by GSA within 10 working days following its receipt of the completed applications. A permit shall not be issued for a period of time in excess of 30 calendar days, unless specifically approved by the regional officer. After the expiration of a permit, a new permit may be issued upon submission of a new application; in such a case, applicants may incorporate by reference all required information filed with the prior application.

(b) When more than one permit is requested for the same area and times, permits will be issued on a first-come, first-served basis.

§ 101-20.403 Disapproval of applications or cancellation of permits.

(a) GSA shall disapprove any application or cancel an issued permit if:

(1) The applicant has failed to submit all information required under § 101-20.401 above, or has falsified such information;

(2) The proposed use is a commercial activity as defined in § 101-20.003-4;

(3) The proposed use interferes with access to the public area, disrupts official Government business, interferes with approved uses of the property by tenants or by the public, or damages any property;

(4) The proposed use is intended to influence or impede any pending judicial proceeding;

(5) The proposed use is obscene within the meaning of obscenity as defined in 18 U.S.C. §§ 1461-65; or

(6) The proposed use is violative of the prohibition against political solicitations in 18 U.S.C. §607.

(b) Upon disapproving an application or cancelling a permit, GSA shall promptly notify the applicant or permittee of the reasons for the action, and shall inform the applicant or permittee of his/her appeal rights under § 101-20.404.

§ 101-20.404 Appeals.

(a) A disapproval of application or cancellation of issued permits may be appealed to the GSA Regional Officer (as defined in § 101-20.003-13) within 5 calendar days of the notification of disapproval or cancellation. Notices of appeal must be made in writing.

(b) On appeal, the applicant or permittee and the GSA buildings manager shall have opportunity to orally state their positions on the issues. Written materials may also be submitted.

(c) The GSA Regional Officer shall affirm or reverse the GSA building manager's decision, based on the information submitted, within 10 calendar days of the date on which the Regional Officer received notification of the appeal. If the decision is not rendered within 10 days, the application will be considered to be approved or the permit validly issued. The Regional Officer will promptly notify the applicant or permittee and the buildings manager of the decision and the reasons therefor.

§ 101-20.405 Schedules of use.

Nothing in these regulations shall prevent GSA from reserving certain time periods for use of public areas for official Government business; from setting aside certain time periods for

maintenance, repair, and construction; or from permitting a previously approved use for official Government business.

§ 101-20.406 Hours of use.

Public areas may be used during or after regular working hours of Federal agencies, provided that such uses will not interfere with Government business. When public areas are used by permittees after normal working hours, all adjacent areas not approved for such use shall be locked, barricaded, or identified by signs, as appropriate, to restrict permittees' activities to approved areas.

§ 101-20.407 Services and costs.

(a) Costs. The space to be provided under these regulations is furnished free of charge. Services normally provided at the building in question, such as security, cleaning, heating, ventilation, and air-conditioning, shall also be provided free of charge by GSA. The applicant shall be requested to reimburse GSA for services over and above those normally provided. If the applicant desires to provide services, such as security and cleaning, this request must be approved by the GSA Regional Officer. GSA may provide the services free of charge if the cost is insignificant and if it is in the public's interest.

(b) Alterations. Permittees shall make no alterations to public areas except with prior approval of GSA. Such approval shall not be given unless GSA determines that changes in a building should be made to encourage and aid in the proposed use. Permittees making alterations must make provisions to ensure the safety of users and the prevention of damage to property.

(c) Permittees are responsible for furnishing items such as tickets, audiovisual equipment, etc., which are necessary for the proposed use.

§ 101-20.408 Conduct.

(a) Permittees are subject to all rules and regulations governing conduct on Federal property as set forth in Subpart 101-20.3. In addition, a permittee shall:

- (1) Not misrepresent his or her identity to the public;
- (2) Not conduct any activities in a misleading or fraudulent manner;
- (3) Not discriminate on the basis of race, creed, color, sex or national origin in conducting activities;
- (4) Not distribute any item, nor post or otherwise affix any item, for which prior approval under § 101-20.401 has not been obtained;

(5) Not leave leaflets or other materials unattended on the property; and

(6) Not engage in activities which would interfere with the preferences afforded blind licenses under the Randolph-Sheppard Act (20 U.S.C. 107).

(b) Permittees engaging in the solicitation of funds as authorized by § 101-20.401 shall display identification badges while on Federal property. Each badge shall indicate the permittee's name, address, telephone number, and organization.

§ 101-20.409 Non-affiliation with the Government.

The General Services Administration reserves the right to advise the public through signs or announcements of the presence of any permittees and of their nonaffiliation with the Federal Government.

SUBPART 101-20.5--SIDEWALK INSTALLATION, REPAIR, AND REPLACEMENT

§ 101-20.500 Scope of subpart.

This subpart contains the regulations governing the installation, repair, and replacement of sidewalks around buildings, installations, properties, or grounds under the control of executive agencies and owned by the United States within the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States, by reimbursement to a State or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, or the territory or possession of the United States. They are issued with the approval of the Director of the Office of Management and Budget.

§ 101-20.501 Responsibilities.

Upon prior consent of the property-holding agency, the State in which the property lies may perform or arrange for the installation, repair, and replacement of sidewalks, and obtain reimbursement therefor from the property-holding agency, or, if mutually agreed upon, the property-holding agency may contract or otherwise arrange for and pay directly for such installation, repair, and replacement.

§ 101-20.502 Standards.

Sidewalks shall be installed, repaired, or replaced with due consideration to the standards and specifications prescribed by the State or political subdivision thereof. However, where the property-holding agency determines that it is necessary, in order to achieve or retain architectural harmony with the surroundings, the property-holding agency may prescribe other standards and specifications.

Dated: